

SEP 13 2007

Atty. Dkt. No. 02CR145/KE (047141-0292)

## REMARKS

Applicants respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are requested to be cancelled.

Claims 1, 7, 8, 14 and 15 are currently being amended. No new matter is added. Claims 7, 14 and 15 are amended to correct typographical errors and for clarity.

No claims are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 remain pending in this application.

On page 2 of the Office Action, claims 1-2, 5-7, 9, 12, 14 and 19 are rejected under 35 U.S.C. § 102(e). The Office Action states:

Leach, et al. clearly disclose and show a method of retransmitting a data cell having a transmit queue . . . transmitting a first data cell . . . providing a retransmit queue . . . and inserting the first data cell at the tail of the retransmit queue . . . ”

Applicants respectfully traverse the rejection.

On page 6 of the Office Action, claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over Leach in view of U.S. Patent Publication No. 2002/011429 (Kawabata). The Office Action states:

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Leach, Jr. et al. do not specifically disclose TDMA for the system. Furthermore, Kawabata et al. clearly disclose: a plurality of transceiver nodes configured to utilize a time division multiple access . . .

Applicants respectfully traverse the rejection.

On page 7 of the office action, claim 20 is rejected under 35 U.S.C. § 103 as being unpatentable over Leach, Jr., Kawabata and further in view of Kadambi. The Office Action states:

Leach, Jr. et al., as modified by Kawabata et al., clearly disclose and show the system as described. However, Leach, Jr. et al. and Kawabata et al. do not specifically disclose a plurality of cells. In addition, Kadambi clearly discloses each packet includes a plurality of cells.

Applicants respectfully traverse the rejection.

On page 8 of the Office Action, claims 3-4, 6, 10-11, 13, and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent No. 7,016,304 (Chou). The Examiner states:

Leach, Jr. et al. do not disclose other ways in which transmission retry could be stopped. In the same field of endeavor, Chou et al. clearly shows the method further comprising: determining if the second data cell is timed out . . .

Applicants respectfully traverse the rejection. Kawabata et al., Leach, Chou and Kadambi are referred to below as the cited art.

Each of independent claims 1, 8 and 15 recites a feature whereby cells marked HBH ACK are provided to a retransmit queue. An embodiment of this process is discussed in the present application on pages 9 and 10 in paragraph 35. The present application also states:

According to an exemplary embodiment, the processing begins when packets enter WNE 220 and are fragmented into cells. If a

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packet is marked for reliable delivery, the cells are marked for hop-by-hop acknowledgements (HBH ACK) and retransmissions as necessary. The cells are then placed in the priority queues . . . . After a cell is placed in a transmission packet, if it is marked HBH ACK it is placed in one of the retx Qs 410 to await retransmission if necessary . . . .

Present application pages 9-10, ¶ 35. Accordingly, claims 1, 8 and 15 recite an advantageous process that addresses the need for reducing linear searching of a retransmission queue for data cells. See present application p. 2, ¶ 4 of the present application.

The present application describes conventional retransmit schemes as follows:

In conventional retransmit queueing algorithms, cells that are not acknowledged within a time frame must be retransmitted out of the queue. Since the retransmit queue is a FIFO mechanism this may entail a linear search through the entire queue looking for cells that need to be retransmitted due to a timeout and then sending them out. This type of search consumes significant real time and degrades system performance.

Present application p. 10, ¶ 36. It is respectfully submitted that the cited art operates according to a conventional processes queues are loaded if a frame is not delivered. Applicants note that the section of Leach cited by the Examiner merely states that the frame is requeued after the transmitting step. Further, Leach states:

Frames that are retrieved from the transmit queues 305 and that bypass the transmit function 309 . . . are placed by the transmission scheduler onto the transmit done queue with a status bit to indicate that the frame was not delivered.

Leach, pg. 8, ¶ 60. It is respectfully submitted that the cited art described does not show, describe or suggest the recited HBH ACK mark much less the recited advantageous retransmit features. Accordingly, it is respectfully submitted that independent claim 1 and its dependent claims 2-7, independent claim 8 and its dependent claims 9-14, and independent claim 15 and its dependent claims 16-20 are patentable over the cited art.

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Applicants believe that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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